

Home Rule Charter of the Municipality of Nenana

PREAMBLE: We, the People of Nenana, in order to achieve common goals, to support individual rights, to form a more responsible government, and to secure max-

imum local control of local affairs and of the future development of the area in and about our present community, hereby establish this Charter.

ARTICLE I

NAME, BOUNDARIES AND POWERS

Section 1.010 Name

The municipality shall be known as Nenana. The municipality may use the name "Municipality of Nenana" whenever it is to the advantage of the municipality to do so.

Section 1.020 Boundaries

The boundaries of the municipality shall include all areas within the City of Nenana on the date of ratification of this Charter. The boundaries may be altered in the manner provided by law.

Section 1.030 Powers

The municipality may exercise all powers of home rule cities not prohibited by law or by this Charter.

ARTICLE II

THE ASSEMBLY

Section 2.010 Powers; Composition; Term

The legislative power of the municipality shall be in the Assembly. The Assembly shall consist of six Assemblymembers who shall be elected at large for three-year terms from seats designated as seats A, B, C, D, E, and F. The terms of office of the Assemblymembers shall be staggered so that the terms of two of them expire each year.

Section 2.020 Qualifications

(a) A candidate for Assemblymember or Mayor shall be a qualified voter of the municipality and shall have been a resident of the municipality, or of land annexed to the municipality, for at least twelve months immediately preceding his or her nomination.

(b) The Mayor may not hold any other compensated municipal employment or any elected partisan political office while serving as Mayor or Assemblymember. For purposes of this paragraph, a school district employee is not a municipal employee.

(c) No Assembly member may act as a municipal department head while holding elective office as an Assembly member. The Assembly shall adopt a conflicts of interest ordinance to further regulate and balance the interests of the citizens in unbiased government.

Section 2.030 Mayor

(a) The Mayor shall preside at meetings of the Assembly and may participate in all Assembly meetings to the same extent as an Assemblymember, but may not vote except in case of a tie or to cast the deciding vote if a proposed ordinance or resolution receives the affirmative vote of three Assemblymembers.

(b) Except as provided in paragraph (c) of this section, the Mayor may veto any ordinance, resolution, motion or other action of the Assembly, and may by veto strike or reduce items in appropriation ordinances. The veto must be exercised and submitted to the Assembly with a written explanation by the next regular meeting of the Assembly. The Assembly, by the vote of five Assemblymembers, may override a veto anytime within 21 days of its exercise.

(c) The veto does not extend to:

(1) Appropriation items in a school budget ordinance;

(2) Actions of the Assembly sitting as a board of equalization or adjustment;

(3) Actions relating to the adoption or repeal of a manager plan of government;

(4) Actions where the Assembly sits as an administrative agency reviewing the decisions of another administrative agency; or

(5) Voting contests or election appeals.

Section 2.040 Mayor Pro Tem

At the first regular meeting following each regular election, the Mayor shall nominate and the Assembly shall confirm an Assemblymember to act as Mayor during the absence or disability of the Mayor. Provisions shall be made by general ordinance for succession to the office of Mayor Pro Tem.

Section 2.050 Meetings

(a) The Assembly shall meet in regular session at least once each month at such times and places as shall be prescribed by general ordinance. The Mayor or four Assemblymembers may call special meetings.

(b) The Assembly by general ordinance shall determine its own rules and order of business, including provisions for reasonable notice to the public and to the Mayor and all Assemblymembers of regular and special

meetings. The Assembly shall maintain a journal of its proceedings as a public record.

(c) Four Assemblymembers shall constitute a quorum; however, a smaller number may recess from time to time and compel the attendance of absent members as prescribed by general ordinance.

Section 2.060 Voting

(a) Except to fill vacancies in the Assembly or to compel the attendance of absent members, the Assembly may act only by the affirmative vote of four Assemblymembers or of three Assemblymembers and the Mayor.

(b) A roll call vote shall be taken on authorizations for the expenditure of funds and on the passage of ordinances. Upon request of an Assemblymember, a roll call shall be taken on any question, and a record of the affirmative and negative votes shall be entered in the journal.

(c) A vote by secret ballot may be taken only to confirm a Mayor Pro Tem or other Assembly officer or to fill Assembly vacancies.

(d) Unless otherwise prohibited by law or this Charter, every Assemblymember present at an Assembly meeting shall vote on each question presented for Assembly action unless excused by the affirmative vote of all remaining Assemblymembers able to vote on the question.

Section 2.070 Compensation of Assemblymembers and Other Elected Officials

(a) The Assembly by general ordinance shall determine the salary, if any, of the Mayor, Assemblymembers and other elected officials of the municipality. No increase in an Assemblymember's salary or other recurring compensation on a fixed basis shall take effect until the Assembly meeting following the regular election after the ordinance has been adopted. With the approval and authorization of the Assembly, Assemblymembers, the Mayor and other elected officials may also receive their actual and necessary expenses incurred in the performance of their duties of office.

(b) The salary of the Mayor and of elected officials other than Assemblymembers may not be diminished during their terms of office without their consent, unless the salary of all elected officials of the municipality, including Assemblymembers, is diminished in the same proportion or on the same basis.

Section 2.080 Boards and Commissions

(a) The Assembly by ordinance may establish boards and commissions. The ordinance creating any board or commission shall prescribe the purpose, powers and duties of the board or commission and the qualifications and terms of office of the members. If the members are appointed, they shall be appointed by the Mayor unless otherwise expressly provided in this Charter. Appointments are subject to Assembly confirmation. A quorum of any board or commission, and the number of members required to approve an action, shall be a majority of its membership.

(b) The Assembly by ordinance may create or designate itself to be a board of review, adjustment or equalization.

Section 2.090 Clerk

(a) The Mayor shall nominate and the Assembly shall confirm a municipal Clerk who shall:

(1) Give notice of the time and place of meetings of the Assembly to the Assemblymembers, the Mayor and to the public;

(2) Attend meetings of the Assembly and keep the journal of its proceedings;

(3) Arrange publication of notices, ordinances, and resolutions;

(4) Maintain and make available for public inspection indexed files containing all municipal ordinances, resolutions, rules, regulations, and codes;

(5) Attest deeds and other documents;

(6) Perform other duties prescribed by this Charter or by the Assembly.

(7) Perform the duties of other municipal officers as designated by the Assembly.

(b) The Clerk serves at the pleasure of the Mayor.

Section 2.100 Other Officials, Advisors and Employees

The Assembly by ordinance may create

offices, including legal counsel and other professional advisors and staff as the municipality may require. Each such office shall be filled by nomination by the Mayor subject to confirmation by the Assembly.

Section 2.110 Assembly Appellate Powers

The Assembly shall act as an appeals board for all appeals from decisions of municipal boards, agencies and commissioner of the municipality, and as an election contest panel for challenges to determinations made by election officials in the course of elections. The Assembly shall provide by ordinance for procedures for the expeditious resolution of such appeals and contests.

ARTICLE III LEGISLATION

Section 3.010 Action Requiring An Ordinance

In addition to other actions required by law or this Charter to be done by ordinance, the Assembly shall use ordinances to:

(1) Authorize the levying of taxes;
(2) Authorize the borrowing of money;
(3) Adopt a budget or capital spending plan;
(4) Establish service areas or assessment districts;

(5) provide for a fine or other penalty or establish a rule or regulation for the violation of which a fine or other penalty is imposed;

(6) Authorize the conveyance or lease of any interest in lands of the municipality;

(7) Establish, alter, or abolish municipal departments of the municipality;

(8) Adopt, modify or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;

(9) Adopt or amend an administrative code;

(10) Grant, renew or extend a franchise;
(11) Regulate the rate charged by a public utility.

Section 3.020 Introduction and Enactment of Ordinances

(a) Every proposed ordinance shall be introduced in writing in the form prescribed by general ordinance. Each ordinance shall have a title which is an informative summary of the contents of the ordinance. Each ordinance shall be confined to one subject unless it is an ordinance establishing a budget or one codifying, revising or rearranging existing ordinances. Ordinances establishing budgets shall be confined to that subject.

(b) An ordinance may be introduced by an Assemblyman or the Mayor. Following introduction and upon approval of three Assemblymembers, the Clerk shall publish a notice containing the title of the ordinance, the time and place for a public hearing on the ordinance, and the time and place where copies of the ordinance are available. The public hearing shall follow publication by at least five days.

(c) Copies of a proposed ordinance advanced to public hearing must be available to all persons present at the hearing, or the ordinance must be read in full. The Assembly shall hear all interested persons wishing to be heard, but may limit the time available to each interested person to testify or comment in any reasonable manner. After the hearing, the Assembly shall consider the ordinance and may adopt it with or without amendment.

(d) If an amendment should change the substance of an ordinance so that the previously published title no longer gives reasonable notice of its contents, then a new title shall be given to the ordinance, and the amended ordinance shall be scheduled for another public hearing and be published and considered as provided in paragraph (b) and (c) of this section. This same procedure shall be followed for any further amendments which change the substance of an amended ordinance.

(e) An ordinance takes effect upon adoption or at a later date specified in the ordinance. Ordinances shall be attested by the Clerk and by the Mayor.

(f) Copies of all adopted ordinances shall be printed and made available to the public.

Section 3.030 Emergency Ordinances

(a) To meet an emergency, an ordinance may be introduced and adopted at the same meeting. An emergency ordinance shall contain a finding that an emergency exists and a

statement of the facts constituting the emergency. A reasonable attempt shall be made to notify the Mayor and all absent Assemblymembers upon introduction of an emergency ordinance. The affirmative vote of a quorum of Assemblymembers is required for adoption of an emergency ordinance. An emergency ordinance is effective for sixty days unless sooner repealed by resolution.

(b) An emergency ordinance may not be used to levy taxes, to authorize the lease or conveyance of any interest in lands of the municipality, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility.

(c) The Mayor may veto an emergency ordinance in the manner provided by Section 2.030(b), except that he must exercise the veto power, if at all, within five days of adoption of the emergency ordinance.

(d) As used in this section, "emergency" means an unforeseen occurrence or circumstance which has created a substantial risk of imminent harm to persons or property which can be reduced or prevented by immediate legislative action.

Section 3.040 Adoption By Reference

The Assembly by ordinance may adopt by reference a standard code of regulations or a portion of the statutes of the State of Alaska. The procedure under section 3.020 of this Charter applies to an ordinance adopted under this section.

Section 3.050 Codification

The Assembly shall provide for codification of all ordinances of general application adopted by the Assembly. The initial code shall be completed no later than two years after adoption of this Charter. Following preparation of the initial code of ordinances, all ordinances of general application and permanent or indefinite duration shall be adopted as amendments or additions to the code.

Section 3.060 File of Ordinances and Resolutions

The Clerk shall maintain as a public record a permanent file of all ordinances and resolutions adopted by the Assembly, whether or not codified.

Section 3.070 Recodification of Ordinances

The Assembly shall consider the question of whether the municipal ordinances shall be recodified not less often than every five years.

ARTICLE IV EXECUTIVE BRANCH

Section 4.010 Executive and Administrative Powers of Mayor

(a) Unless and until a manager plan of government has been adopted as provided in this article, the executive and administrative power of the municipality is vested in the Mayor. As chief executive and administrative officer the Mayor shall:

(1) Appoint all heads of municipal departments, subject to Assembly confirmation;

(2) Appoint, suspend, or remove municipal employees and administrative officials, except as otherwise required by this Charter, law, or general ordinance;

(3) Prepare and submit an annual budget and capital improvement program for consideration by the Assembly, and execute the budget and capital improvement program adopted by the Assembly;

(4) Make periodic financial reports and other reports on municipal finances and operations as required by the Assembly;

(5) Serve as municipal personnel officer;

(6) Perform other duties required by law or the Assembly.

(b) The administrative or executive power of the Mayor to appoint, suspend or remove department heads may not be delegated by the Mayor without a duly adopted ordinance.

(c) All employees, administrative officials and department heads appointed by the Mayor serve at the pleasure of the Mayor.

(d) The Assembly shall adopt a personnel ordinance within ninety days of the effective date of this Charter.

Section 4.020 Manager Plan

(a) The municipality may adopt a manager plan of government.

(b) When the population of the municipality, as shown by the most recent municipal census, exceeds 3,500 people, the Assembly shall have a manager plan prepared within twelve months of the census, and shall submit it to the voters for their approval in accordance with this section. Adoption of a manager plan may also be proposed at any time by initiative petition or by resolution of the Assembly.

(c) Upon receipt of the petition or upon its own motion, the Assembly shall provide by ordinance or resolution for a vote on the question at the next regular or special election. Notice of the election shall be published three times, with the first publication at least 30

days before the election.

(d) If the manager plan is approved by the voters, the Assembly shall adopt the plan by general ordinance.

(e) Upon adoption of a manager plan, the Assembly shall appoint a manager. The manager shall be chosen solely on the basis of his executive and administrative abilities and shall receive the compensation set by the Assembly. An Assemblymember may not be appointed manager sooner than one year after leaving office, unless such appointment is approved by the vote of five Assemblymembers.

(f) Subject to any contract of employment, the municipal manager holds office at the pleasure of the Assembly.

(g) In the absence or disability of the manager, the Assembly shall appoint a temporary manager. If the office of manager becomes vacant, the Assembly shall appoint a new manager.

(h) A manager plan which has been adopted may be repealed in the same manner provided for its adoption.

Section 4.030 Powers of Mayor After Adoption of Manager Plan

The powers of the Mayor specified in Articles II and III of this Charter shall not be affected by adoption of a manager plan, and, except for the power to introduce ordinances and resolutions before the Assembly, may not be exercised by a manager or other municipal administrator. All other powers and duties of the Mayor may be assigned to a municipal manager or administrator, according to a manager plan of government adopted under this article.

ARTICLE V ELECTIONS

Section 5.010 Regular Elections

A regular election shall be held annually on the first Tuesday in October, unless otherwise specified by general ordinance. The date of holding regular elections shall not be changed by the Assembly within one year prior to the date of the regular election affected.

Section 5.020 Qualification of Voters

To vote in any municipal election, a person must be:

(1) A qualified voter of the State of Alaska; and

(2) A resident of the municipality for at least 30 days immediately preceding the election.

Section 5.030 Nominations

(a) Candidates for elective municipal office shall be nominated by a petition signed by at least 50 qualified voters of the municipality. All nomination papers comprising a petition shall be assembled and filed in person with the Clerk during office hours as one instrument not earlier than 90 days or later than 30 days before the election. No nominating petition may be accepted unless accompanied by the nominee's signed acceptance of the nomination.

(b) No person may be a candidate for more than one Assembly seat, or a candidate for an Assembly seat and Mayor, in the same election. No person may hold more than one seat as an Assembly member or a seat as Assembly member and Mayor at the same time.

(c) No person may be a candidate for Assembly member or mayor until they have been a resident of the municipality for twelve months or more. Residency shall be calculated to the date of election, not the date the candidate files his or her petition.

Section 5.040 Election Procedures

All municipal elections shall be nonpartisan. The Assembly by general ordinance shall establish procedures for regular and special municipal elections, including provisions for absentee voting.

Section 5.050 Determination of Election Results

The candidate who receives the highest number of votes in excess of 40 percent of the votes cast for the office or seat for which he seeks election shall be declared elected. If no candidate for a particular seat or office receives more than 40 percent of the votes cast for that seat or office, the Assembly, within three weeks from the date of certification of the election, shall hold a runoff election between the two candidates receiving the highest number of votes for the office.

ARTICLE VI INITIATIVE, REFERENDUM AND RECALL

Section 6.010 Powers of Initiative and Referendum Reserved

(a) The powers of initiative and referendum are reserved for exercise by the people of Nenana. The powers of initiative and referendum do not apply to establishing budgets, fixing mill levies, authorizing the issuance of bonds, or appropriating funds.

(b) A petition for initiative or referendum shall be signed by a number of qualified voters equal to at least 25 percent of the number of voters who cast ballots at the last regular municipal election. When the population of the municipality, as shown by the most recent municipal census, reaches 7,500, the number of signatures required shall be 15 percent of the number of voters who cast ballots at the last regular election.

(c) Consistent with law and this Charter, the procedure for, and the effect of, the exercise of the powers of initiative and referendum shall be as prescribed by general ordinance or, in the absence of general ordinance, as prescribed by law.

Section 6.020 Recall

(a) An elected or appointed official may be removed from office by the voters in the manner provided by law.

(b) A petition to place the recall of an elected or appointed official before the voters shall be signed by a number of qualified voters equal to at least 25 percent of the number of voters who cast ballots at the last regular municipal election. When the population of the municipality, as shown by the most recent municipal census, reaches 7,500, the number of signatures required shall be 15 percent of the number of voters who cast ballots at the last regular election.

ARTICLE VII

PLANNING

Section 7.010 Comprehensive Plan

The Assembly by ordinance shall adopt and implement, and from time to time modify, a comprehensive plan setting forth policies, goals and standards governing the future development of the municipality.

Section 7.020 Planning Commission

There shall be a Planning Commission constituted as provided by general ordinance.

ARTICLE VIII

SERVICE AREAS AND ASSESSMENT DISTRICTS

Section 8.010 Differential Property Tax Zones

The municipality may by ordinance establish, alter or abolish differential tax zones to provide and levy for services not provided generally within the municipality or a different level of service than that provided generally within the municipality.

Section 8.020 Assessment Districts

(a) The Assembly by ordinance may establish assessment districts to provide and finance capital improvements by means of an assessment, or services by means of a tax levy. The assessment or levy shall be proportionate to the benefit received from and the burden imposed upon the improvement or service. The Assembly by general ordinance shall prescribe uniform criteria for allocating the cost of the improvement or service within an assessment district.

(b) An assessment district may be created or extended only with the approval of the property owners who would bear more than 50 percent of the estimated cost of the improvements or services. An assessment district created to finance a capital improvement may be dissolved by Assembly resolution at any time after the district's share of the cost of the improvements has been paid. An assessment district created to finance a service may not be dissolved without the approval of the property owners who bear more than 50 percent of the cost of providing the service.

(c) A special assessment for capital improvements, with interest and collection charges, is a lien on the property assessed, second only to property taxes and prior special assessments.

(d) A special assessment may not be contested by civil action unless the action is brought within 60 days after confirmation of the assessment roll.

(e) An account or accounts for each special assessment district shall be created and kept separate from all other municipal accounts. Revenues collected within a special assessment district may be applied only to costs incurred with respect to that assessment district.

ARTICLE IX

EDUCATION

Section 9.010 School Board

(a) The system of public schools for the municipality shall be operated by a School board of five members who shall be elected at large for three-year terms from seats designated as seats A, B, C, D, and E.

(b) The municipality may create advisory school board seats by ordinance.

(c) A candidate for School Board shall be a qualified municipal voter, and resident of the municipality for one year immediately preceding the election.

(d) When the average daily membership is less than 5,000, the municipality may, by ordinance concurred in by a majority of the Dis-

trict School Board, provide for a School Board of seven members.

(e) When the average daily membership exceeds 5,000, the School Board shall have seven members.

Section 9.020 Powers of the School Board
The School Board has the powers and duties provided by law, including, but not limited to, the power and duty to:

(1) Formulate policy for operation of the schools;

(2) Appoint and provide for suspension and removal of school personnel, including the superintendent;

(3) Serve as a board of personnel appeals for the School District;

(4) Generally supervise School District fiscal affairs, including preparation and submission of the annual budget.

Section 9.030 Joint Conferences

The Assembly and School Board shall meet at least two times yearly in joint session to discuss and coordinate financial planning, capital improvement needs, and other matters of mutual interest.

Section 9.040 Budget and Six-Year Plan

(a) The Superintendent of Schools shall submit to the School Board at such time as the Board directs a proposed budget for the next fiscal year and a proposed six-year program for capital improvements and fiscal policies. The Board shall hold at least one public hearing on the proposed budget and program before they are submitted to the Assembly, and at least one public hearing after Assembly action if the total amount is different. The proposed budget and program shall be approved and submitted to the Assembly at least 90 days before the end of the current fiscal year of the School District.

(b) The Assembly may increase or decrease the budget of the School District only as to total amount of its share.

(c) The Assembly shall approve the budget of the School District as amended and appropriate the necessary funds at least 60 days before the end of the fiscal year of the School District. If the Assembly fails to approve the School District budget and make the necessary appropriation within the time stated, the budget proposal shall become the budget and appropriation for the fiscal year of the School District without further Assembly action.

ARTICLE X FINANCE

Section 10.010 Fiscal Year

The Assembly by general ordinance may change the fiscal year of the municipality. The Assembly by general ordinance may change the fiscal year of the School District to the extent permitted by law. A change in fiscal year may not take effect until at least one year after enactment of the change.

Section 10.020 Six-Year Program

At least 90 days before the end of the fiscal year of the municipality the Mayor shall submit to the Assembly, with recommendations from the Planning Commission, a six-year program for public services, fiscal policies and capital improvements of the municipality. The program shall include estimates of the effect of capital improvement projects on maintenance, operation and personnel costs. The Assembly shall hold at least one public hearing on the six-year program prior to adoption.

Section 10.030 Operating and Capital Budget

At least 90 days before the end of the fiscal year of the municipality the Mayor shall submit to the Assembly a proposed operating and capital budget for the next fiscal year. The form and content of the budget shall be consistent with the proposed six-year program. The Mayor shall submit with the budget an analysis of the fiscal implications of all tax levies and programs.

Section 10.040 Budget Hearing

The Assembly shall hold at least two public hearings on the proposed operating and capital budget for the next fiscal year, including one hearing at least 21 days after the budget is submitted to the Assembly, and one hearing at least 7 but not more than 14 days before the adoption of the budget.

Section 10.050 Assembly Action on the Municipal Budget

The Assembly may increase or decrease any item, and may add or delete items, in the proposed operating or capital budget of the municipality. The Assembly shall approve the budget of the municipality as amended and appropriate the necessary funds at least 21 days before the end of the fiscal year of the municipality. If the Assembly fails to approve the budget and make the necessary appropriations within the time stated, the Mayor shall call the Assembly to a special meeting

each day until such time as the Assembly does approve the budget and make necessary appropriations. At each such special meeting, the agenda shall be confined to the budget and appropriations.

Section 10.060 Reduction and Transfer of Appropriations

(a) If the Mayor determines that revenues will be less than appropriations for a fiscal year, the Mayor shall so report to the Assembly. The Assembly may reduce appropriations as it deems necessary. No appropriation may be reduced by more than the amount of the then unencumbered balance.

(b) Except as to the school budget, the Mayor may transfer all or part of any unencumbered balance between categories within an appropriation. The School Board may transfer part or all of any unencumbered balance between categories within the appropriation for the school budget. Except as to the school budget, the Assembly may transfer part or all of any unencumbered balance from one appropriation to another.

Section 10.070 Lapse of Appropriations

At the close of the fiscal year, an unencumbered appropriation shall lapse in to the fund from which appropriated. An appropriation for capital improvement, or in connection with requirements of federal and state grants, shall not lapse until the purpose of the appropriation has been accomplished or abandoned.

Section 10.080 Administration of the Budget
(a) No payment shall be made, or obligation incurred except in accordance with appropriations. Obligations otherwise incurred are void. The Assembly by general ordinance may provide for exceptions in the case of tax refunds and other routine payments.

(b) The Assembly by ordinance may authorize a contract, lease, or obligation requiring funds from future appropriations. A lease or purchase agreement with respect to acquisition of a capital improvement valued in excess of \$1,000,000 is not valid until approved by a majority of the qualified voters voting on the question.

Section 10.090 Competitive Bidding

The Assembly by general ordinance shall provide for competitive bidding for goods and services and shall make provisions for any exceptions it deems appropriate.

Section 10.100 Financial Audit

The Assembly shall provide for an annual independent audit of all municipal accounts by a certified public accountant. The audit shall be completed within 90 days following the close of the fiscal year.

ARTICLE XI TAXATION

Section 11.010 Taxing Authority

(a) The taxing power of the municipality is vested solely in the Assembly. The taxing power may not be surrendered, delegated, suspended or contracted away except as provided by law.

(b) No sales tax ordinance or property tax ordinance shall be valid until ratified by a majority of those voting on the question at a regular or special election.

(c) Private leaseholds, contracts or other interests in land or property owned or held by the United States, the state, or other political subdivisions shall be taxable only to the extent of the fair market value of the private interest.

Section 11.020 Tax Procedure

(a) The Assembly by general ordinance shall adopt procedures for tax assessment, levy and collection. The procedures shall provide for assessment of property at full and true value, except as otherwise provided by law, and for notice of assessment, appeal, and judicial review.

(b) Property taxes, with collection charges, penalties, and interest are first liens upon property.

ARTICLE XII MUNICIPAL BORROWING

Section 12.010 Authority

The municipality may borrow money for any public purpose, and issue its evidences of indebtedness thereof.

Section 12.020 Limitations

(a) No general obligation bonded indebtedness may be incurred unless authorized by the Assembly and ratified by a majority vote of those in the municipality voting on the question, except that refunding or revenue bonds may be issued without an election.

(b) Tax or revenue anticipation notes shall be repaid within twelve months from their date of issuance. When the taxes or revenues anticipated are not received within this time, the Assembly may renew the notes for a period not to exceed twelve months.

Section 12.030 Form and Manner of Sale

The Assembly by ordinance shall provide for the form and manner of sale of bonds and

notes including reasonable limitation upon the sale of bonds and notes.

Section 12.040 Actions Challenging the Validity of Obligations

An action challenging the validity of obligations of the municipality or of an election or tax levy with respect to an obligation may be instituted only within 30 days after the adoption of the ordinance or resolution or certification of the election results, as the case may be.

Section 12.050 Proceeds from Sale of Obligations

Proceeds derived from the sale of obligations shall be used solely for the purpose for which the obligations were issued, or for payment of principal or interest or other charges with respect to the obligations.

ARTICLE XIII MUNICIPAL UTILITIES

Section 13.010 Municipal Utilities

(a) Each municipal utility shall be operated in accordance with the general standards common to utilities providing the same utility service.

(b) Each municipal utility shall have a separate budget within the annual municipal budget. The accounts of the utilities shall be separately kept and classified in accordance with uniform accounting standards generally prescribed for public utilities providing the same utility service.

(c) The Assembly shall prescribe rules and procedures for the operation and management of municipal utilities.

Section 13.020 Disposal of Utilities

The municipality may sell, lease, grant a franchise for or otherwise dispose of a municipal utility only pursuant to an ordinance or initiative proposition approved by three-fifths of the qualified voters on the question.

ARTICLE XIV PORT AUTHORITY AND OTHER INDEPENDENT BOARDS, COMMISSIONS AND AUTHORITIES

Section 14.010 Power to Establish

(a) The municipality, by general ordinance approved by a majority vote at a regular or special election, may establish independent boards, commissions and authorities for the purpose of operating, managing and regulating revenue producing property, functions and activities of the municipality. The property, functions and activities to be operated, managed and regulated shall be specified by general ordinance.

(b) The terms of office of members of the boards, commissions and authorities established pursuant to this section shall be prescribed by the ordinance establishing the board, commission or authority. Members who are appointed may not be removed except for violation of this Charter, failure to meet the prescribed qualifications of office, or other good cause. "Good cause" shall be defined by general ordinance.

Section 14.020 Powers of Boards, Commissions and Authorities

The powers and duties of a board, commission or authority established pursuant to this section shall be prescribed by the ordinance creating it. The powers which may be granted include, but are not limited to, the power to:

(a) Sue and be sued in the name of the board, commission or authority, provided that no suit may be brought by the board, commission or authority against the municipality or another board, commission or authority of the municipality;

(b) Enter into contracts for the purchase, lease and sale of real and personal property after such contracts have been expressly approved by Assembly ordinance or resolution;

(c) Enter into personal services contracts necessary to execute the powers and duties of the board, commission or authority, after such contracts have been expressly approved by Assembly ordinance or resolution;

(d) Propose to the Assembly and the municipal voters franchises for the operation of the property or of a function or activity, or a portion thereof, administered by the board, commission or authority;

(e) Propose salaries for employees of the board, commission or authority, which shall be effective and may be paid only after they have been approved by Assembly ordinance or resolution;

(f) Issue revenue bonds which are secured by and payable solely from the revenue of the property, functions days before their effective date. After Assembly review, all rules and regulations not vetoed by the Assembly shall be filed with the municipal Clerk and be maintained by the Clerk as a public record in a code of municipal rules and regulations.

Section 14.040 Port Authority

(a) The Port of Nenana, which includes the river facilities at Nenana along the Tanana

River and the Nenana River, the Nenana Municipal Airport, and those related facilities of the Alaska Railroad at Nenana, shall be managed by a Port Authority which shall have jurisdiction over the planning, regulation, operation, use and development of the Port of Nenana.

(b) The Port Authority shall consist of three members who shall be appointed by the Mayor for six-year terms, subject to confirmation by the Assembly. The terms of office of the members shall be staggered so that the term of one of them shall expire every second year. The Port Authority shall select a presiding officer from among its members.

(c) Upon recommendation of the Port Authority, the Assembly by general ordinance may increase the membership of the Port Authority by up to four additional members. The initial term of any members added pursuant to this paragraph shall be prescribed by ordinance.

(d) The Port Authority shall have the powers specified in section 14.020 of this article.

Section 14.050 Conflicts of Interest

(a) No member of the Port Authority shall be a port user or franchisee, or an employee, officer or agent of a port user franchisee.

(b) No member of any board, commission or authority established pursuant to this article shall be:

(1) Employed, other than as a member, by the board, commission or authority;

(2) An officer, agent or employee of a person employed by the board, commission or authority;

(3) An officer, agent or employee of any person granted a franchise for the operation of the property or of a function or activity of the board, commission or authority;

(4) A member of the household or related within the third degree of consanguinity of any of those specified in subparagraphs (1), (2), and (3) of this paragraph.

(c) Any member of a board, commission or authority established by or pursuant to this article who knowingly violates any provision of this Charter shall be removed from office immediately. Proceedings to remove a member of a board, commission or authority shall be heard and determined by the Assembly in accordance with appellate procedures or, in the absence of applicable appellate procedures, by procedure consistent with the requirements of constitutional due process.

ARTICLE XV CHARTER AMENDMENT

Section 15.010 Proposal

Amendments to this Charter may be proposed by ordinance approved by at least four Assemblymen, by a Charter Commission established according to law, or by initiative petition.

Section 15.020 Election

Proposed amendments to this Charter shall be submitted to the qualified voters of the municipality at the next regular or special election occurring more than forty-five days after adoption of the ordinance, the final report of the Charter Commission, or certification of the initiative petition.

Section 15.030 Ballot Form

When an amendment to this Charter is proposed for adoption by the voters, the ballot proposition shall indicate any present wording to be changed by the ballot proposition, as well as the proposed new wording, if any. A ballot presented or offered must be worded in the affirmative.

Section 15.040 Effective Date

If a proposed amendment to this Charter is approved by three-fifths of the qualified voters voting on the proposition, it becomes effective at the time set in the amendment or, if no time is set, thirty days after certification of the results of the election.

ARTICLE XVI

GENERAL PROVISIONS

Section 16.010 Conflict of Interest

(a) An elected or appointed official of the municipality shall not participate in any official action where he or she or a member of the person's household has a substantial financial interest. Such person may make a disclosure of the specific and direct interest to the Assembly and the Assembly may approve such involvement by a majority of the Assembly or of the body of which he or she is a member. The Assembly by general ordinance may adopt additional provisions defining conflicts of interest.

(b) The Assembly by general ordinance shall adopt procedures dealing with conflict of interest on the part of municipal employees.

Section 16.020 Municipal Employment of Elected Officials

(a) For one year after leaving office, an Assemblymember or School Board member

may hold no compensated municipal office or employment which was created, or the salary or benefits of which were specially increased during the Assembly or School board member's last year in office by the body of which he or she was a member. This paragraph does not apply to employment by or election to a Charter Commission.

(b) An independent contractor engaged through competitive bidding does not hold municipal employment for purposes of this section.

Section 16.030 Discrimination in Employment Prohibited

No person may be discriminated against in any municipal employment because of race, age, sex, marital status, color, political or religious affiliation, or national origin. The Assembly may by ordinance clarify this provision to further prohibit unlawful discrimination.

Section 16.040 Public Meetings

(a) All meetings of the Assembly, the School Board and other boards, commissioner and authorities shall be public. The Assembly by general ordinance shall adopt procedures for greatest reasonable public notice of all meetings. At each such meeting the public shall have reasonable opportunity to be heard, subject to the Assembly's privilege to limit the amount of time individuals may speak. An executive session may be held to discuss pending litigation or any matter the immediate public knowledge of which would tend to affect adversely the finances of the municipality or to defame or prejudice the character or reputation of any person. The general matter for consideration in executive session shall be expressed in the motion calling for the session. No official action may be taken in executive session.

(b) Except in an emergency as defined by section 3.030(c) of this Charter, the Assembly, School Board, and all municipal boards, commissions and authorities may take no official action between the hours of twelve midnight and 7:00 o'clock a.m., actual time. Action taken in violation of this paragraph is void.

Section 16.050 Oaths of Office

Municipal officers, before taking office, shall take and subscribe to the following oath or affirmation: "I solemnly swear (or affirm) that I will support and defend the Constitution of the United States, the Constitution and laws of the State of Alaska and the Charter of Nenana; and that I will faithfully perform the duties of _____ to the best of my ability."

Section 16.060 Continuation in Office

Each elected municipal officer shall continue to serve until his successor qualifies and takes office.

Section 16.070 Vacancies in Elective or Appointive Office

(a) An elective or appointive office becomes vacant if the incumbent:

(1) Ceases to meet any qualifications prescribed for the office by this Charter;

(2) Resigns;

(3) Dies;

(4) Is judicially determined to be incompetent;

(5) Is convicted of a felony or a misdemeanor involving moral turpitude;

(6) Knowingly violates any prohibition of this Charter;

(7) Fails to attend three consecutive regular meetings of the body of which he is a member without being previously excused by a majority of the remaining members of the body.

(b) The Assembly by general ordinance may establish additional grounds for declaring vacancies in elective or appointive office.

(c) If a vacancy occurs on the Assembly or the School Board, the Mayor, or presiding officer shall nominate and the Assembly or School Board confirm a qualified person to fill the vacancy within thirty days. The person appointed shall serve until the next regular election, at which time a successor shall be elected to serve the balance of the term. The Mayor, subject to Assembly approval, shall appoint a qualified person to fill a vacancy in any other elective or appointive office.

Section 16.080 Annual Census

An annual count of all permanent residents of the municipality shall be performed by the municipality during the month of August.

Section 16.090 Interpretation

The powers of the municipality shall be liberally construed so that, except as expressly prohibited by law or this Charter, the municipality may exercise any power that a home rule borough or city of the State of Alaska may lawfully exercise. The mention of a particular power in this Charter shall not be construed as limiting the powers of the municipality.

Section 16.100 Separability

If any provision of this Charter is held in-

valid, other provisions of the Charter shall not be affected. If the application of this Charter or any of its provisions to a person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected.

Section 16.110 Definitions

(a) "Appropriation" means a unit of funding provided for by the Assembly in the municipal budget. An appropriation may be specific as to particular expenditures or general as to an entire department or agency, as the Assembly deems appropriate.

(b) "Categories" means actual proposed expenditures to be made from an appropriation.

(c) "General ordinance" means an ordinance which is codified and incorporated in the municipal code of ordinances.

(d) "Initiative" means the process of enacting a charter amendment, ordinance or resolution by vote of the people without Assembly action.

(e) "Laws" means those portions of the statutes of the State of Alaska and the Constitutions of the State of Alaska and of the United States which are valid limitations on the exercise of legislative and executive power by home rule governments.

(f) "Municipality" means the home rule municipality of Nenana created upon ratification of this Charter.

(g) "Referendum" means the process of repealing a charter section, ordinance or resolution by vote of the people without Assembly action.

(h) "Property Owner" for purposes of Article VIII, Service Areas and Assessment districts, means a person designated by the owner or owners of the real property to vote on the question of a special assessment. Such a vote may, by general ordinance, be weighted by square footage, valuation, improvements, property use or other reasonable criteria.

(i) "Resident" means a person whose habitual, physical dwelling place is within the area in question and who intends at all times relevant to maintain his dwelling place in that area.

ARTICLE XVII

TRANSITION

Section 17.010 Effective Date

This Charter is effective immediately upon certification of the election at which it is ratified.

Section 17.020 Municipal Officers and Employees

Each elected officer of the City of Nenana, Alaska holding office on the effective date of this Charter may continue to hold office as a comparable officer of the municipality until his term has expired. Appointed officers and employees may continue in office or employment until the expiration of their terms of office, if any, or until they have been removed or their office or position abolished.

Section 17.030 Assets, Rights and Liabilities

No asset, right or liability of the City of Nenana, Alaska existing on the effective date of this Charter shall be affected in any manner by the adoption of this Charter, but shall continue as assets, rights and liabilities of the municipality.

Section 17.040 Continuance of Actions and Proceedings

The adoption of this Charter shall not abate or otherwise affect any action, cause of action, claim, proceeding, civil or criminal, by or against the City of Nenana and which had accrued at the time of the effective date of this Charter. All actions and proceedings shall continue in the name of the municipality. Applications, petitions, hearings, and other proceedings pending on the effective date before the City of Nenana, Alaska shall continue unaffected by the ratification of this Charter.

Section 17.050 Prior Legislation Preserved

The Code of Ordinances of the City of Nenana, Alaska and all other ordinances, resolutions and rules of the Nenana City Council, to the extent that they may be reconciled with this Charter, shall continue in effect until repealed or amended.

Agreed upon by the members of the Charter Commission at Nenana, Alaska, this 10th day of June, 1982.

James Coghill, Chairman

John B. Coghill

Steven Bainbridge

John Burgasser

Robert Chambers

William Spear

Gary Demeintieff